

BOARD OF HEALTH

WELL REGULATIONS

I. Purpose

It is the purpose of these regulations to protect the public health, safety and welfare by ensuring those housing units, with no access to public water supplies, the supply of safe drinking water from private wells and to provide for the protection of the town's groundwater resources.

II. Authority

These regulations shall be effective on and after December 1, 1997, and so remain until modified or amended by the Board of Health. They are enacted under the authority that includes, but is not limited to, one or more of the following: Massachusetts General Laws, Chapter 111, Sections 31, 122, 122A, 127, 143, 155, 187, 188; Code of Massachusetts Regulations (CMR 11.02); and Massachusetts General Laws Chapter 40, Section 54.

Any and all previous regulations concerning private wells are hereby repealed.

III. Definitions

Abandoned Well. A private well that meets any one of the following criteria: (1) construction was terminated prior to completion of the well; (2) the well owner declares that the use of the well has been permanently discontinued; (3) the well is in such a state of disrepair that its continued use is impractical or represents a physical threat; (4) the well has the potential for transmitting contaminants into the aquifer, and the situation cannot be corrected.

Board of Health. The Board of Health of the town or its authorized agent.

Certified Laboratory. Any laboratory that has full certification by the Department of Environmental Protection as provided in the most recent edition of *Certification Status of Commercial Environmental Laboratories*.

Private Well. Any non-public well serving fewer than 15 houses and serving fewer than 25 people, as defined in 310 CMR 22.02.

Well. A bored, drilled or driven well, or a dug hole with a depth greater than its largest surface dimension.

Well Driller. Any person, association, partnership, company or corporation that constructs wells and is registered with the Division of Water Resources of the Department of Environmental Management in compliance with the Well Diggers and Drillers Registration, 313 CMR 3.00 (7/13/89).

Water Supply Certificate. A certificate issued by the Board of Health that authorizes the use of a private well as a water supply.

IV. Location of Wells. Revised October 17, 2005

In establishing the location for a well, actual or possible sources of contamination that exist or are proposed to exist within two hundred (200) feet of the proposed well site need to be identified. Private wells shall be located to avoid all potential sources of contamination.

The following minimum lateral distances shall apply for each listed source of contamination:

- Subsurface sewage disposal field (leaching facility, in use, abandoned or reserve area):* 100 feet
- Cesspool, seepage pit:* 150 feet
- Septic tank:* 50 feet
- Sewer lines:* 50 feet
- Property line:* 10 feet
- Public Way (normal driving surface):* 25 feet
- Driveways or right of way:* 15 feet
- Building structures:* 15 feet
- Lake or Riverfront:* 10 feet
- Underground fuel storage tanks:* 200 feet
- Utility rights-of-way *Gas lines and electric transmission lines in excess of 50,000 volts:* 100 feet
- Stables, barnyards, manure piles, manure storage tanks, feedlots:* 100 feet

Where deemed necessary or appropriate by the Board of Health, the above distances may be increased, or reasonable means of protection may be required, or both. The Board may impose minimum lateral distance requirements from other potential sources of contamination not listed above. All such special requirements shall be added by the Board as conditions of the well construction permit.

The aforesaid notwithstanding, no one shall locate, drill or dig a well or cause the same to be done in such a manner as to limit the use or enjoyment of any neighboring property.

V. Standards

A. Well Construction Standards.

- 1) All wells shall be constructed by a registered well driller. A copy of the well driller's Certificate of Registration must accompany the application for a permit.
- 2) All wells shall be constructed in compliance with the sections of the *Private Well Guidelines* of the Department of Environmental Protection, Division of Water Supply, October 30, 1989, that apply to well construction and well decommissioning (pages 22-67; pages 92-101). They constitute part of these regulations and are incorporated herein by reference.
- 3) Well drillers must certify in writing that they have complied with the *Private Well Guidelines* as specified above in order to receive the Water Supply Certificate.

B. Well Decommissioning Standards.

- 1) A well that is abandoned shall be decommissioned (destroyed) to eliminate potential physical hazards and to protect the groundwater supply.
- 2) All abandoned wells shall be decommissioned in compliance with the *Private Well Guidelines*.
- 3) Well Drillers must certify in writing that they have complied with the *Private Well Guidelines* in decommissioning the well.

C. Water Quality Standards.

- 1) No private well shall be used as a water supply and no building permit shall be issued for a new house on the property where the well is located unless and until the water derived from the well has been tested.
- 2) Chemical and bacteriological analyses shall be conducted by a certified laboratory and shall meet the following minimum standards:

Coliform bacteria: none detected
Nitrate Nitrogen (N): less than 10 mg/L
Nitrite Nitrogen: less than 0.001 mg/L

In addition, the following water quality tests and standards will be required to be conducted for the informational benefit of the landowner:

Total dissolved solids: less than 500 mg/L
Iron (Fe): less than 0.3 mg/L
Manganese (Mn): less than 0.05 mg/L
Sodium (Na): less than 100 mg/L
Chloride (Cl): less than 250 mg/L
pH: 6.5 - 8.5
Total hardness: less than 180 mg/L

- 3) Additional or repeated tests may be required where, in the opinion of the Board, it is necessary for the protection of the public health, safety and welfare.

D. Water Quantity Standards.

- 1) Yield test pumping shall be conducted at a rate at least equal to the pumping rate expected during normal well use and shall be conducted for a minimum of four hours.
- 2) The required minimum well yield will vary depending on the depth of the well. Overall, a well is required to yield 110 gallons per bedroom per day, as per Title 5. Specifically, the minimum well yield shall conform to the following table:

Depth of Water In Well _____	Gallons Per Minute For 4 Hours _____
0 - 150 feet	3 - 6
150 - 200 feet	4
200 - 250 feet	2 - 3
250 - 300 feet	1 - 2
300 feet and deeper	1/2

In no instance shall the well be permitted to yield less than the amount of gallons per day arrived at by applying the following formula: (number of bedrooms + 1) x 110 gallons x (safety factor of 2) = minimum gallons per day.

VI. Procedures for Obtaining a Water Supply Certificate and a Well Decommissioning Permit

A. Water Supply Certificate Procedures.

- 1) Well Construction Permit Application.
 - a. An application for a well construction permit shall be submitted by the property owner or his/her designated agent to the Board of Health on a form provided by the Board of Health.

- b.** The tax map number and parcel number, the location of the proposed well to be constructed, and a general written summary of any possible sources of contamination within 200 feet (*see* Section IV. Location of Wells) shall be submitted to the Board of Health with the permit application.
- c.** The application for a well construction permit shall be accompanied by an extended plot plan, produced by a CMI or Sanitary Engineer or a Registered Sanitarian, which will show distances less than 200 feet from the proposed well site to the following:
 - (1) existing and proposed structures;
 - (2) subsurface waters and subsurface drainage courses;
 - (3) subsurface sewage disposal fields, trenches or pits and adjoining septic tanks or cesspools;
 - (4) subsurface fuel storage tanks;
 - (5) other potential sources of pollution an experienced well driller should reasonably be expected to recognize;
 - (6) property lines;
 - (7) public ways.

For construction of a new house, a plan submitted that complies with Title 5 requirements will be acceptable for this purpose if it includes the above data for the well.
- d.** The Board of Health shall charge a fee for a well construction permit, to be set by the Board. The fee must be paid when the application is filed with the Board.
- e.** Well construction may proceed upon approval of a permit application in the form of a well construction permit issued by the Board.
- f.** All permits for well construction and decommissioning shall expire at the end of twelve (12) months from the date of issuance. Permits may be extended for an additional six (6) months if a written request is received by the Board of Health prior to the expiration date. No additional fee shall be charged for an extension, provided there is no change in the plans for the proposed well. After a permit has expired, a new application and a new fee must be submitted to the Board.
- g.** Permits and applications are not transferable.

2) Water Supply Certificate.

- a.** The following shall be submitted to the Board of Health to obtain a water supply certificate:
 - (1) A well construction permit.
 - (2) A copy of the Water Well Completion Report as required by the Department of Environmental Management, Division of Water Resources, to be provided by the well driller within 30 days from completion of the well (*see* 313 CMR 3.00).
 - (3) Water testing results. Water samples for analysis shall be collected by the owner or his agent following well development and disinfection and shall be submitted for testing to a state-certified testing lab.
 - (4) A Certificate of Construction by the well driller that she/he has complied with Department of Environmental Protection *Private Well Guidelines* sections pertaining to well construction and that are part of these regulations [*see* Section V (A)(2)].
 - (5) A Water Quantity Certification statement from the well driller that the minimum yields has been met.
 - (6) Written certification by the Monterey Plumbing Inspector to include materials and connections between well casing and building foundation.
- b.** Upon receipt of all the above documents, the Board of Health shall determine whether the water supply meets all the water quantity and water quality requirements for private water supplies in the town.
 - (1) Upon an affirmative determination, the Board of Health shall issue a water supply certificate.
 - (2) Upon a negative determination, or if the Board deems it necessary to protect the public health, safety and welfare, the Board shall issue a water supply disapproval letter that requires additional water quality analysis or quantity testing or both.
 - (3) The Board may, at its discretion, issue a conditional water supply certificate. A conditional certificate shall set forth the conditions that the Board deems necessary to ensure fitness, purity and quantity of the water derived from that well. This may include but not be limited to requiring treatment of the water or regular testing.

B. Well Decommissioning Procedures.

- 1) The Board encourages and may require the owners of wells that are no longer used for supplying water to declare those wells abandoned and to have them decommissioned. Such action will minimize the risk of pollution of groundwater through abandoned wells and will protect the well owner from any future liability for such pollution. The well owner needs to declare in writing to the Board that the well will no longer be supplying water and is abandoned.
- 2) An application for a well decommissioning permit shall be submitted by the property owner together with the above statement to the Board of Health on a form provided by the Board prior to the destruction of the well.
- 3) A fee shall be paid to the Board upon filing the well decommissioning permit application.
- 4) The Board shall then issue a well decommissioning permit.
- 5) After the well has been decommissioned, the well driller shall file a report with the Board stating that she/he has complied with the sections of the Department of Environmental Protection *Private Well Guidelines* that pertain to well decommissioning and that are part of these regulations.

VII. Administration and Enforcement

A. General Enforcement.

The State Environmental code (310 CMR 11.00) shall govern the enforcement of these regulations.

B. Separate Violations.

Each day's failure to comply with any provisions of these regulations shall constitute a separate violation. Each numbered or lettered section or subsection of these regulations violated shall constitute a separate violation.

C. Severability.

If any paragraph, section, clause, provision, phrase or word of these regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged, and the remainder of these regulations shall be deemed to remain valid and effective.

D. Amendments.

These regulations or any portions thereof may be amended, supplemented or repealed from time to time by the Board, with notice as provided by law, on its own motion or by petition.

E. Invalidation by State Law.

Any part of these regulations subsequently invalidated by a new state law or modification of an existing state law shall automatically be brought into conformity with the new or amended law and shall be deemed to be effective immediately, without recourse to public hearing and the customary procedures for amendment or repeal of such regulation.

F. Agent.

An agent of the Board of Health is any person authorized in writing by the Board to act under these regulations. No agent may vary any provision of these regulations without approval of the Board. Wherever reference is made in these regulations to "Board of Health" or "Board," it shall mean the Board of Health of the Town or its authorized agent.

G. Variance.

- 1) The Board of Health may vary the application of any provision of these regulations with respect to any

particular case when, in the Board's opinion, both of the following conditions are fulfilled:

- a. The enforcement thereof would do manifest injustice.
 - b. The applicant has proved that the same degree of environmental protection and protection of the public health, safety and welfare can be achieved without strict application of the particular provision. The alternative means of protection shall be detailed and documented by the applicant to the satisfaction of the Board.
- 2) Every request for a variance shall be made in writing and shall state the specific variance sought and the reasons therefor.
 - 3) Any variance granted by the Board shall be in writing. Any denial of the variance shall also be in writing and shall contain a brief statement of the reason for denial. A copy of each variance shall be conspicuously posted for thirty (30) days following its issuance and shall be available to the public at all reasonable hours. No work shall be done under any variance until 30 days elapse from its issuance, unless the Board certifies in writing that an emergency exists.
 - 4) Any variance may be subject to such qualification, revocation, suspension, condition or expiration as is provided in these regulations, or as the Board expresses in its grant of the variance. A variance may otherwise be revoked, modified or suspended, in whole or in part, only after the holder thereof has been notified in writing and has been given an opportunity to be heard, in conformity with the requirements of Title I of the State Environmental Code (310 CMR 11.00) for orders and hearings.

H. Forms.

Appended to these regulations are one or more sample forms for the administration of the regulations. The administrative content of these forms may be revised by the Board from time to time by administrative action of the Board apart from Section VII (D).

I. Fines.

Whosoever violates any of these rules and regulations shall upon conviction be fined not less than \$100 and not more than \$500 except as otherwise provided by law.

Adopted 12/1/97
Revised 10/17/05